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U.S. Patent and Trademark
Office (TC 2800)****FAX NUMBER:
703-872-9306****PHONE NUMBER:
571-272-2058****SENDER:
Jeffrey Gluck****SENDER'S FAX NUMBER:
202-344-8300****SENDER'S PHONE NUMBER:
202-344-8017****SENDER'S ASSISTANT:
Theresa St. John****ASSISTANT'S PHONE NUMBER:
202-344-4667****DATE:
8/2/2004****CLIENT/MATTER NUMBER:
41557-187891****PAGES, EXCLUDING COVER:
3****MESSAGE:**

Please add the attached communication to the official record in Patent Application No. 09/725,175.

Thank you very much.

Respectfully submitted,


Jeffrey W. Gluck (Reg. No. 44,457)

If you require assistance with this transmission, please contact the sender.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Robert RICHARDSON

Art Unit: 2836

Application No: 09/725,175
Confirmation No. 8591

Examiner: Brian Sircus

Filed: November 29, 2000

Atty. Docket No: 41557-187891

For: SWITCHING ARRANGEMENT

Customer No:
26694

PATENT TRADEMARK OFFICE

COMMUNICATION TO EXAMINERCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please find attached to this paper a communication from the Examiner (in essence, an Interview Summary) that was mistakenly omitted from the official record in this application. Given that this communication establishes that the Office Action issued on September 15, 2003 was **non-final**, Applicant respectfully requests withdrawal of the Advisory Action issued on April 22, 2004 and issuance of a new Office Action that addresses Applicant's Amendment and Reply filed on March 15, 2004 (and Applicant's subsequent Information Disclosure Statement).

Respectfully submitted,

Date: August 2, 2004
Jeffrey W. Gluck, Ph.D.
Registration No. 44,457

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I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office (Fax No. 703-872-9306) on August 2, 2004.

Name: Jeffrey W. Gluck

Signature: 



U.S. Patent &
Trademark Office
EIC 2800 CP4-9C18
Fax # 703-308-6097

Fax

To: Jung J. Kim From: Ex. Rios AU 2836
Fax: (202) 344-8300 Pages: 2, including cover
Phone: Date: 10/01/03
Re: App. 09/725,175 CC:

☐ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

• Comments:

As per our conversation, here is a copy of PTO L-326 indicating the non-final status of the above application. I apologize for the inconvenience and don't hesitate to contact me for any further questions.

Sincerely,

Roberto Rios

AU 2836

Office Action Summary	Application No.	Applicant(s)	
	09/25,175	RICHARDSON, ROBERT	
	Examiner	Art Unit	
	Roberto J Rios	2836	

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 23 June 2003.

2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-27 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-27 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☒ All b) ☐ Some * c) ☐ None of:

1. ☒ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____

4) ☐ Interview Summary (PTO-413) Paper No(s) _____

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____